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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,308	06/27/2003	David T. Campbell	MS1-1562US	8029

22801 7590 11/16/2006

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EXAMINER	
FIGUEROA, MARISOL	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,308	CAMPBELL, DAVID T.	
	Examiner	Art Unit	
	Marisol Figueroa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-24 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-24 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 26 and 18-24** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 26 recites the limitations of "wherein the communication networks are located independent of locating the wireless communication device", in lines 11-12. These newly added

limitations raises a new matter issue because the specification does not disclose or describe locating the communication networks independent of the location of the wireless communication device.

The Specification teaches, on page 8, lines 6-25, that the location of the user/wireless communication device is determined and compared in relation to the communication networks, and the comparison relates to proximity of the wireless communication device and the user to particular communication networks to determine the communication networks accessible by the user, furthermore, on page 16, line 17 – page 17, lines 1-10, the Specification teaches that the availability of the communication networks to the user is conditioned on the user's location as determined in block 405, and on block 405 the user's location is determined by locating a wireless communication device belonging to the user. These passages suggest that the location of the wireless communication device is necessary to locate the available communication networks to a user; therefore, locating the communication networks is not independent to the location of the wireless communication device.

Applicant is welcomed to point out where in the specification the Examiner can find support for the above-mentioned limitations if the Applicant believes that the specification supports the limitations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 24 and 26** are rejected under 35 U.S.C. 103(a) as being obvious over Bamburak et al. (US 5,905,955) in views of Carr et al. (US 6,091,948) and Gupta (US 2003/0022701 A1).

Regarding claim 26, Bamburak discloses a wireless communication device comprising:

a processor (Fig. 3; col. 4, lines 43-53; control system 14);

an antenna module configured to receive multiple radio frequency (RF) signals (Fig. 3; col. 4, lines 43-47; antenna 15);

an analog to digital converter executable on the processor and configured to convert the RF signals to digital signal information used by the processor (it is noted that this is inherent because the mobile station's processor operates on digital data and the antenna receives analog signals and therefore it is necessary an A/D converter to convert the RF signals to digital signal information);

instructions stored in a memory executable on the processor (col. 4, lines 49-53) to store location communications networks available to a user and determine from the digital signal information available wireless communication networks to the user, wherein the communication networks are located independent of locating the wireless communication device (abstract; col. 4, lines 3-9; col. 5, lines 5-11; the communication device have stored a listing of geographic identifiers (SID) from wireless service providers, i.e., location of wireless communication networks available, and locates a wireless service provider in a multi-service provider environment by comparing a geographic identifier received from one of the service provider to the listing of geographic identifiers stored in order to find a matching geographic identifier of a desirable service provider).

Bamburak does not expressly disclose wherein the wireless communication device also determines available wired communication networks to a user and comprising a GPS module configured to receive RF signals from GPS satellites through the antenna module and analog to digital converter indicating location of the wireless communication device; wherein the instructions

are further comprised of a map that indicates to a user relative location of the wireless communication device.

However, in the same field of endeavor, Carr teaches a wireless telephone that stores multiple call forwarding telephone networks (i.e., available communication networks) and selects a call forwarding telephone number upon location information for automatically activating call forwarding to the selected telephone number, the location is provided by a base station and compared with the call forwarding number stored by indexing the SID code of the base station with the call forwarding numbers (Fig. 2; abstract, lines 1-7; col. 4, lines 20-60; col. 2, lines 33-36), although, is not explicitly stated that the call forwarding numbers are from wired communication networks, Carr teaches that call forwarding systems often need to know multiple telephone numbers such as office, home, etc., and this suggests that the call forwarding numbers are related with wired telephone networks since is conventionally that office and home numbers comprise wireline telephone terminals (col. 1, lines 5-14).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to determine wired communication networks available to a user, as suggested by Carr, for automatically activating call forwarding to a wired communication network or terminal (i.e., call forwarding telephone number) when available to avoid wireless airtime charges and/or obtain a better quality of communication.

Furthermore, Gupta teaches that mobile communication devices comprising built-in GPS receiver have the ability to display local maps and the present position of the communications device to a user in a map (p.0050).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, for the wireless communication device to further comprise a GPS module configured

to receive RF signals from GPS satellites through the antenna module and analog to digital converter indicating location of the wireless communication device; wherein the instructions are further comprised of a map that indicates to a user relative location of the wireless communication device, as suggested by Gupta, because a GPS module is well known and conventional added functionality to mobile devices, used to provide location based services to a user, e.g., providing travel directions, location based call forwarding, etc.

Regarding claim 24, the combination of Bamburak, Carr, and Gupta disclose the wireless communication device of 26, Bamburak discloses wherein the instructions are further comprised to store system identification number (SID) and access information of cellular networks accessible by the wireless communication device (col. 9, lines 58-60).

7. **Claims 18 and 19** are rejected under 35 U.S.C. 103(a) as being obvious over Bamburak et al. in views of Carr et al. and Gupta, and further in view of Holloway et al. (US 2003/0092451 A1).

Regarding claim 18, the combination of Bamburak, Carr, and Gupta disclose the wireless communication device of claim 26, but does not expressly disclose wherein the instructions are further comprised to send call forwarding instructions to service providers based on conditions set by the user. Holloway teaches a method for triggering the automatic forwarding of calls for the mobile phone to the preferred telephone number when in proximity of the preferred phone (abstract, lines 1-4). The user who carries the mobile phone prefers to receive calls on the preferred phone such as the user's home phone (wireline network) whenever possible, the preferred phone is equipped with a low-power transmitter to notify the handheld mobile phone that it is in proximity of the preferred phone and when the mobile phone recognizes the signal from the preferred phone, the mobile phone sends a message to the cellular network requesting forwarding of calls to the preferred phone number (p.0006; p.0014; 0016). Therefore, it would have been obvious to one

having ordinary skill in the art at the time of the invention, to further include instructions comprised of sending call forwarding instructions to service providers based on conditions set by the user as suggested by Holloway, in order for the user to receive calls in a preferred network.

Regarding claim 19, the combination of Bamburak, Carr, Gupta, and Holloway disclose the wireless communication device of claim 18, Holloway discloses wherein the call forwarding instructions are to forward calls to a particular carrier (p.0006, lines 1-8; p.0014; lines 5-7; the calls are forwarded to the user's home phone which is the preferred phone for the user that is connected to a wireline network). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to forward calls to a particular carrier as suggested by Holloway, because a particular carrier may be the preferred carrier network for a user to receive communication.

8. **Claims 20 and 21** are rejected under 35 U.S.C. 103(a) as being obvious over Bamburak et al., Carr et al., Gupta, and Holloway et al., and further in view of Benjamin et al. (US 2004/0028057 A1).

Regarding claim 20, the combination of Bamburak, Carr, Gupta, and Holloway disclose the wireless communication device of claim 18, but Holloway does not expressly disclose wherein the conditions are based on lowest cost to operate. However, Benjamin teaches that wireline telephones have the advantage of having a better quality than mobile cell phones (p.0004, lines 18-22). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, forward calls based on lowest cost to operate as suggested by Benjamin, in order for the user to lower expenses on using communication services.

Regarding claim 21, the combination of Bamburak, Carr, Gupta, and Holloway disclose the wireless communication of claim 18, but Holloway does not expressly disclose wherein the

forwarding conditions are based on quality of service for a particular carrier (i.e. wireline network). However, Benjamin teaches that wireline telephones have the advantage of having a better quality than mobile cell phones (p.0004, lines 18-22). Therefore, it would have been obvious to one having ordinary skill in the art, to forward calls to a particular carrier (i.e. wireline network) based on a quality of service as taught by Benjamin, because forwarding calls to a network with a higher quality ensures that the user will get the best available service for the calls.

9. **Claims 22-23** are rejected under 35 U.S.C. 103(a) as being obvious over Bamburak et al. in views of Carr et al., and Gupta, and further in view of Sundar et al. (US 2003/0134650 A1).

Regarding claim 22, the combination of Bamburak, Carr, and Gupta disclose the wireless communication device of claim 26, but does not expressly disclose wherein the instructions comprise service set identifier numbers of wireless area networks accessible by the user.

Sundar teaches a mobile station that is provisioned with service set identifiers (SSID) of wireless networks to allow the mobile station to detect wireless networks and access valid networks, which are the networks, which SSID are listed in memory of the mobile station (p.0055-0059). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, for providing service set identifiers numbers of wireless area networks accessible by the user as suggested by Sundar, in order minimize the unnecessary scanning for wireless area networks by a mobile station.

Regarding claim 23, the combination of Bamburak, Carr, and Gupta disclose the wireless communication device of claim 26, but does not expressly disclose wherein the instructions are further comprised to store service set identifier numbers of wireless area networks accessible by the wireless communication device. Sundar teaches a mobile station that is provisioned with SSID of wireless networks to allow the mobile station to detect wireless networks and access valid networks,

which SSID is stored in memory (p.0055-0059). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to store service set identifier numbers of wireless area networks accessible by the wireless communication device as suggested by Sundar, because it will allow the wireless communication device to access wireless networks whose service set identifiers numbers are listed in the memory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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